

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Dec 26, 2023

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

CODY ALLEN EASTERDAY,

Defendant.

No. 4:21-CR-06012-SAB-1

**ORDER GRANTING AMENDED
STIPULATED MOTION**

Before the Court is the parties' Second Stipulated Motion to Apply Restitution Offsets Pursuant to 18 U.S.C. § 3664(j), filed on December 22, 2023. ECF No. 103. The United States is represented by Brian Donovan and John Scanlon. Defendant is represented by Carl Oreskovich. Tyson Foods, Inc. is represented by Alan Smith. Segale Propoerties, LLC is represented by John Rizzardi.

On November 4, 2022, an Amended Judgment was entered against Defendant imposing restitution in the amount of \$244,031,132.00. ECF No. 78. The Amended Judgment ordered Defendant to pay restitution to Tyson Foods, Inc. (with Tyson Fresh Meats, Inc., "Tyson") in the amount of \$233,008,042.00 and Segale Properties LLC ("Segale") in the amount of \$11,023,090.00. Id.

A related bankruptcy proceeding is pending in this District, *In re Easterday Ranches, Inc.*, Case No. 21-141-WLH11 and *In re Easterday Farms*, Case No. 21-176-WLH11, jointly administered.

The parties to this motion stipulate and agree that Tyson Foods has received an

1 additional post-confirmation disbursement of \$11,375,933.39 on August 31, 2023, and
2 Segale has received an additional post-confirmation disbursement of \$340,893.21 on
3 August 31, 2023, from the *In re Easterday Ranches* bankruptcy proceeding. Thus, a total
4 of \$11,716,826.60 in additional post-confirmation disbursements was received by the two
5 victims from the bankruptcy estate on August 31, 2023. In addition, Tyson received
6 \$121.35 from Mr. Easterday through the BOP Inmate Financial Responsibility Program.

7 Pursuant to 18 U.S.C. § 3664(j)(2), “Any amount paid to a victim under an order of
8 restitution shall be reduced by any amount later recovered as compensatory damages for
9 the same loss by the victim in — (A) any Federal civil proceeding; and (B) any State civil
10 proceeding, to the extent provided by the law of the State.” The parties have stipulated and
11 agree that the payments made to Tyson and Segale constitute amounts recovered for the
12 same loss in a Federal civil proceeding pursuant to § 3664(j)(2)(A).

13 The parties agree that the total restitution amount owed by Defendant should be
14 reduced by \$11,716,826.60, resulting in a total amount due and owing of approximately
15 \$165,396,077.54. Specifically for each victim, the remaining amount owed to Tyson
16 should be reduced to approximately \$158,235,993.27 and the remaining amount owed to
17 Segale should be reduced to approximately \$7,160,084.27.

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Accordingly, **IT IS HEREBY ORDERED**

1. The parties' Second Stipulated Motion to Apply Restitution Offsets Pursuant to 18 U.S.C. § 3664(j), ECF No. 103, is **GRANTED**.

2. The Clerk of Court shall reflect in its record that Tyson has received \$11,375,933.39, and Segale has received \$340,893.21 in restitution payments, and reduce the amounts owed by Defendant accordingly.

3. The total restitution amount owed by Defendant should be reduced by \$11,716,826.60, resulting in a total amount due and owing of approximately \$165,396,077.54. Specifically, the remaining amount owed to Tyson should be reduced to approximately \$158,235,993.27 and the remaining amount owed to Segale should be reduced to approximately \$7,160,084.27.

IT IS SO ORDERED. The District Court Executive is directed to file this Order and provide copies to counsel and the Clerk of Court Finance Department.

DATED this 26th day of December 2023.



Stanley A. Bastian

Stanley A. Bastian
Chief United States District Judge